

## REMARKS/ARGUMENTS

On 4 October 2006, the Examiner participated in a telephonic interview with the Applicant's attorney, Scott McLellan. The Applicant thanks the Examiner for the courtesy of that interview. The Examiner confirmed that the final office action dated 26 February 2004 was withdrawn, that the present office action is substituted for the withdrawn action, and that the most recent version of the claims (prior to this amendment) were those presented in the office action response dated 05 December 2003.

Claims 1-20 were previously pending in the application. Claims 1-20 are canceled; and new claims 21-40 are added herein. Assuming the entry of this amendment, claims 21-40 are now pending in the application. The Applicant hereby requests further examination and reconsideration of the application in view of the foregoing amendments and these remarks.

Support for new claims 21-40 is found as follows:

<u>New Claims</u>	<u>Support</u>
21, 38	Figs. 1-3, Abstract
22, 23, 39	Fig. 1
24, 25	Page 4, lines 12-18
26	Page 6, lines 10-12
27	Page 6, lines 12-14
28	Steps 303 and 305 of Fig. 3 and page 6, lines 10-12
29	Page 4, line 2
30, 31, 40	Fig. 2
32, 33	Page 5, lines 11-12
34	Page 7, lines 15-17
35, 36	Page 4, lines 12-18, and page 5, lines 11-12
37	Claims 23-24, 29, and 31-32

In paragraph 2 of the office action, the Examiner rejected claims 1-3, 5-8, 11-15, and 17-20 under 35 U.S.C. 103(a) as being unpatentable over Coad in view of Sands. In paragraph 3, the Examiner rejected claims 4, 9-10, and 16 under 35 U.S.C. 103(a) as being unpatentable over Coad in view of Sands in further view of Bell. For the following reasons, the Applicant submits that all of the now-pending claims are allowable over the cited references.

### Claims 21 and 38

Claim 21 is directed to either the second telephone or the third telephone for a communications system adapted to perform a communication scenario. According to that communication scenario, a first telephone, having a first telephone number, initiates a first telephone call to the second telephone. The second telephone automatically extracts the first telephone number from the CallerID information of the first telephone call and transmits the extracted first telephone number to the third telephone. The third telephone receives the transmitted first telephone number from the second telephone and initiates a second telephone call to the first telephone using the received first telephone number received from the second telephone. The cited references, either individually or in combination, do not provide such a communication scenario. Nor do they teach telephones that can perform the functions of either the second telephone or the third telephone in that communication scenario.

Coad teaches a communication system in which a cell site controller 105 transmits a text message containing one or more call-back numbers to a cellular telephone 102. See Abstract. A user of cellular telephone 102 selects a text data portion in the text message corresponding to a call-back number for

conversion into a dialable number for use in initiating a telephone call using the dialable number. See Fig. 6B.

Coad's telephone 102 is most closely related to the third telephone of claim 21, in that each receives a telephone number and enables a user to initiate a telephone call using that received telephone number. Significantly, however, in Coad, the telephone number transmitted to telephone 102 is part of a text message prepared by a message sender using Coad's cell site controller 105. See Fig. 3. Coad's call-back telephone number referred to in step 208 is not the first telephone number of a first telephone that is (1) automatically extracted, by a second telephone, from CallerID information of a first telephone call initiated by the first telephone to the second telephone and then (2) transmitted by the second telephone to the third telephone. In fact, Coad does not teach or even suggest a device that performs all of the functions of the second telephone of claim 21. In particular, while it is true that Coad's cell site controller 105 transmits a telephone number to Coad's telephone 102, Coad's cell site controller 105 does not automatically extract that telephone number from CallerID information of a first telephone call initiated by a first telephone to Coad's cell site controller 105. As such, Coad's cell site controller 105 cannot be properly interpreted as an example of the second telephone of claim 21.

In view of the foregoing, the Applicant submits that claim 21 is neither anticipated nor obviated by Coad.

Sands teaches dynamic call waiting based on CallerID information. According to Sands, a CallerID unit 22 receives an incoming call from a calling telephone to a called party and extracts the calling number from CallerID information of the incoming call. CallerID unit 22 uses the extracted calling number to access a database to determine whether to (1) provide a call waiting alert to the called party or (2) apply other processing, such as providing a busy tone to the calling telephone, forwarding the incoming call to voice mail, routing the incoming call to a forwarding number, or scheduling a call back. See Abstract and Figs. 5-6.

Sands' CallerID unit 22 is most closely related to the second telephone of claim 21, in that each receives an incoming telephone call initiated by a calling telephone (i.e., the first telephone of claim 21) and automatically extracts the telephone number of the calling telephone from CallerID information of the incoming telephone call. Significantly, however, Sands' CallerID unit 22 does not transmit the extracted telephone number to a third telephone to enable the third telephone to initiate a second telephone call to the original calling telephone.

The only suggestion in Sands of a third telephone is the telephone associated with the forwarding number, but, in Sands, the incoming telephone call from the calling telephone is merely forwarded to the forwarding number. This would be analogous to the second telephone of claim 21 forwarding the first telephone call of claim 21 to the third telephone of claim 21. But this is not the communication scenario recited in claim 21. Thus, Sands' telephone associated with the forwarding number cannot be properly interpreted as being an example of the third telephone of claim 21.

In view of the foregoing, the Applicant submits that claim 21 is neither anticipated nor obviated by Sands. Nor does Sands teach or suggest the features of claim 21 missing from Coad. As such, claim 21 is not obviated by a combination of Coad and Sands, even if such a combination were proper (which the Applicant does not admit).

Bell teaches a dual-mode cellular and cordless telephone 110, which can hand-over calls from one mode (e.g., cordless mode) to the other (e.g., cellular mode). In one exemplary scenario, if an incoming cordless call from a remote telephone 120 fails, then dual-mode telephone 110 can initiate an outgoing

cellular call to remote telephone 120 using the telephone number of remote telephone 120 automatically extracted from the original incoming cordless call by dual-mode telephone 110. See Fig. 4.

Bell's dual-mode telephone 110 is most closely related to the second telephone of claim 21, in that each receives an incoming telephone call initiated by a remote telephone (i.e., the first telephone of claim 21) and automatically extracts the telephone number of the remote telephone from CallerID information of the incoming telephone call. Significantly, however, Bell's dual-mode telephone 110 does not transmit the extracted telephone number to a third telephone to enable the third telephone to initiate a second telephone call to the original remote telephone.

In view of the foregoing, the Applicant submits that claim 21 is neither anticipated nor obviated by Bell. Nor does Bell teach or suggest the features of claim 21 missing from Coad or the features of claim 21 missing from Sands. As such, claim 21 is not obviated by a combination of Coad, Sands, and Bell, even if such a combination were proper (which the Applicant does not admit).

Moreover, Sands and Bell are not even proper prior-art references for the present application. The present application was filed on July 19, 2000, claiming priority from a provisional application filed on July 26, 1999. The priority date of Sands is June 29, 2000 and the priority date of Bell is December 20, 1999. As such, neither Sands nor Bell is a proper prior-art reference for the present application.

For all these reasons, the Applicant submits that claim 21 is allowable over the cited prior art. For similar reasons, the Applicant submits that claim 38 is allowable over the cited prior art. Since the rest of the claims depend variously from claims 21 and 38, it is further submitted that those claims are also allowable over the cited prior art.

#### Claim 24

According to claim 24, the transmitter in the second telephone that transmits the extracted first telephone number to the third telephone is a non-telephony transmitter. The Applicant submits that Coad does not teach or even suggest a second telephone, let alone a second telephone having such a non-telephony transmitter. The Applicant submits that this provides additional reasons for the allowability of claim 24 (and therefore claim 25, which depends from claim 24) over the cited prior art.

#### Claim 26

According to claim 26, without any user intervention after the first telephone call is initiated, the second telephone automatically transmits the extracted first telephone number to the third telephone. The Applicant submits that Coad does not teach or even suggest a second telephone, let alone such a second telephone as recited in claim 26. The Applicant submits that this provides additional reasons for the allowability of claim 26 over the cited prior art.

#### Claim 27

According to claim 27, based on a single user key-stroke, the second telephone transmits the extracted first telephone number to the third telephone. The Applicant submits that Coad does not teach or even suggest a second telephone, let alone such a second telephone as recited in claim 27. The Applicant submits that this provides additional reasons for the allowability of claim 27 over the cited prior art.

#### Claim 28

According to claim 28, without answering the first telephone call, the second telephone automatically extracts the first telephone number from the CallerID information of the first telephone call and transmits the extracted first telephone number to the third telephone. The Applicant submits that Coad does not teach or even suggest a second telephone, let alone such a second telephone as recited in claim 28. The Applicant submits that this provides additional reasons for the allowability of claim 28 over the cited prior art.

Claim 32

According to claim 32, the receiver in the third telephone that receives the transmitted first telephone number from the second telephone is a non-telephony receiver. The Applicant submits that Coad does not teach or even suggest a third telephone having such a non-telephony receiver. The Applicant submits that this provides additional reasons for the allowability of claim 32 (and therefore claim 33, which depends from claim 32) over the cited prior art.

Claim 35

According to claim 35, the transmission of the extracted first telephone number from the second telephone to the third telephone is by non-telephony communications. The Applicant submits that Coad does not teach or even suggest such non-telephony communications. The Applicant submits that this provides additional reasons for the allowability of claim 35 (and therefore claim 36, which depends from claim 35) over the cited prior art.

Claim 37

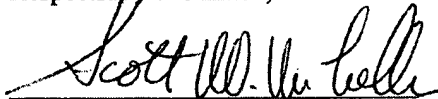
According to claim 37, the second telephone comprises a non-telephony transmitter adapted to transmit the extracted first telephone number to the third telephone using non-telephony communications, and the third telephone comprises a non-telephony receiver adapted to receive the transmitted first telephone number from second telephone using the non-telephony communications. The Applicant submits that Coad does not teach or even suggest such non-telephony communications. The Applicant submits that this provides additional reasons for the allowability of claim 37 over the cited prior art.

In view of the foregoing, the Applicant respectfully submits that the rejections of claims under Section 103(a) have been overcome.

In view of the above amendments and remarks, the Applicant believes that the now-pending claims are in condition for allowance. Therefore, the Applicant believes that the entire application is now in condition for allowance, and early and favorable action is respectfully solicited.

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Respectfully submitted,



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